



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 5384-00

11 September 2000

[REDACTED]

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This is in reference to your application for correction of your late husband's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your husband's naval record, which you submitted to the Board, and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that your husband complained of occasional episodes of tachycardia during his naval service; however, no pathology could be found for that condition. He underwent a pre-separation physical examination on 17 October 1947, and was found fit for discharge. There is no indication in the report of that examination, or elsewhere in available records, that he was unfit to perform his duties by reason of physical disability, or that his discharge was in any way related to his complaints of tachycardia. The Board noted that on 28 October 1947, the advantages of reenlistment were explained to him, which indicates that he was eligible and recommended for reenlistment. He did not want to reenlist, and elected to be discharged. The fact that the Department of Veterans Affairs recently determined that your husband's death was service connected does not demonstrate that he was unfit for duty in 1947. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be

taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director